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ACTION DRL-02

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| INFO | LOG-00 | NP-00 | AID-00 | ACQ-00 | CA-02 | CIAE-00 | DODE-00 |
| | SRPP-00 | DS-00 | EAP-00 | FBIE-00 | UTED-00 | VC-00 | TEDE-00 |
| | INR-00 | INSE-00 | IO-00 | LAB-01 | L-00 | VCE-00 | NSAE-00 |
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FM AMEMBASSY HANOI
TO SECSTATE WASHDC PRIORITY 2607
INFO DEPTLABOR WASHDC
USINS WASHDC
DOJ WASHDC
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SIPDIS

STATE FOR P, EAP, DRL, CA, L/EAP, L/CA, L/LEI, EAP/BCLTV
USDOL FOR ILAB/ JPERLMUTTER, RSHEPARD
USINS FOR HEADQUARTERS
JUSTICE FOR CIVIL RIGHTS/CRIMINAL DIVISIONS

SENSITIVE

E.O. 12958: N/A

TAGS: [ELAB](#) [PREL](#) [PHUM](#) [PREF](#) [VM](#) [LABOR](#)

SUBJECT: FORMER DAEWOOSA EMPLOYEES: INFORMATION SHARING WITH VIETNAMESE OFFICIALS

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REF: A) HANOI 834 B) HANOI 908 C) STATE 61515

1. (U) SUMMARY: EMBASSY OFFICERS MET WITH LABOR MINISTRY OFFICIALS ON APRIL 18 TO SHARE INFORMATION REGARDING THE DAEWOOSA CASE AND THOSE FORMER DAEWOOSA EMPLOYEES CURRENTLY IN THE U.S. THESE OFFICIALS APPRECIATED THE INFORMATION AS WELL AS USG EFFORTS TO BRING TO JUSTICE THOSE RESPONSIBLE FOR THE ALLEGED ABUSES OF THE VIETNAMESE WORKERS AT DAEWOOSA. BUT THEY ALSO COMMUNICATED THEIR CONCERN FOR THE WORKERS AND REGRETTED THAT THE USG HAD NOT SHARED THIS INFORMATION IN A MORE TIMELY MANNER. EMBOFFS WERE ALSO TOLD THAT THOSE WORKERS WHO RETURNED TO VIETNAM HAVE RECEIVED RELIEF FROM THE FINANCIAL OBLIGATIONS TO THE LABOR EXPORT COMPANIES CONTAINED IN THEIR CONTRACTS TO WORK AT DAEWOOSA. END SUMMARY.

MEETING WITH LABOR OFFICIALS

2. (SBU) FOLLOWING UP A MEETING WITH THE MFA (REF A) REGARDING THE VIETNAMESE FORMER EMPLOYEES OF THE AMERICAN SAMOA-BASED DAEWOOSA, ON APRIL 18, THE EMBASSY ORALLY DELIVERED THE INFORMATION CONTAINED IN REF C TO DR. TRAN VAN HANG, THE DIRECTOR OF THE DEPARTMENT FOR ADMINISTRATION OF FOREIGN-EMPLOYED LABOR FORCE AT THE MINISTRY OF LABOR, INVALIDS AND SOCIAL AFFAIRS (MOLISA).

3. (SBU) MR. HANG'S RESPONSE WAS MEASURED BUT APPRECIATIVE IN TONE. HE WAS PLEASED TO RECEIVE THE INFORMATION WHICH HE WOULD PASS TO THE WORKERS' FAMILIES, 40 OF WHOM HE SAID HAD VISITED HIM TWO DAYS PREVIOUSLY SEEKING INFORMATION ABOUT

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THE WELFARE AND WHEREABOUTS OF THE WORKERS. HE CONVEYED THE GVN'S SUPPORT FOR USG PROSECUTION OF DAEWOOSA OWNER KIL SOO LEE. AND HE WAS PLEASED THAT THE DOJ WOULD ASSIST THOSE WORKERS WHO CHOSE TO DO SO TO CONTACT GVN AUTHORITIES IN THE U.S. AND ENCOURAGE THEM TO CONTACT THEIR FAMILIES.

4. (SBU) BUT, HE EXPRESSED CONCERN FOR THE SAFETY AND WELFARE OF THE WORKERS. HE REGRETTED THAT THE USG HAD NOT INFORMED HIS GOVERNMENT PRIOR TO MOVING THE WORKERS FROM AMERICAN SAMOA. IN HANG'S OPINION THE CASE WOULD NOT NOW BE "SO COMPLICATED" IF THE TWO SIDES HAD SHARED INFORMATION AND COORDINATED FROM THE BEGINNING. LIKE MFA OFFICIALS, HE CLAIMED THAT "BAD PEOPLE" HAD MET WITH WORKERS IN AMERICAN SAMOA AND HAD CONVINCED THEM TO GO TO THE UNITED STATES INSTEAD OF RETURNING TO VIETNAM BY PROMISING THAT THEY AND THEIR FAMILIES WOULD BE GET "T-VISAS." (HE SAID HE HAD COPIES OF PAMPHLETS PROVIDED TO THE WORKERS MAKING SUCH

CLAIMS AND PROMISED TO PROVIDE COPIES TO THE EMBASSY.)

15. (SBU) HANG DID NOT REPEAT THE MFA'S REQUEST (SEE REFS A AND B) FOR THE NAMES, ADDRESSES AND OTHER DETAILS ABOUT THE WORKERS IN THE U.S. RATHER, HE CONFIDENTLY STATED THAT OF THE 252 VIETNAMESE WORKERS AT DAEWOOSA, 78 HAVE RETURNED TO DATE AND 174 WENT TO HAWAII WITH NONE REMAINING IN AMERICAN SAMOA. HE SAID HE WAS SURE OF THIS BECAUSE A MOLISA INTERPRETER, WHO WAS IN POSSESSION OF THE AIR TICKETS THE GVN HAD PURCHASED TO BRING ALL THE WORKERS HOME, HAD REMAINED IN AMERICAN SAMOA UNTIL ALL THE VIETNAMESE WORKERS HAD DEPARTED FOR ONE DESTINATION OR THE OTHER. (COMMENT: THIS GAVE US THE IMPRESSION THAT HE HAS A FAIRLY GOOD IDEA OF THE IDENTITIES OF THE WORKERS WHO WENT TO THE U.S. END UNCLASSIFIED

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COMMENT.)

16. (SBU) HOWEVER, HANG REQUESTED THAT, AFTER THE TRIAL, USG TAKE RESPONSIBILITY FOR FACILITATING AND FINANCING THE WORKERS' RETURN TO VIETNAM. THE GVN, HE NOTED, RECOGNIZED THAT IT WAS POSSIBLE THAT SOME WORKERS WOULD REMAIN IN THE U.S. IN SUCH CASES, HE REQUESTED THAT THE U.S. SHARE WITH THE GVN THE GROUNDS FOR APPROVAL FOR THE CHANGE IN THEIR STATUS.

DOJ LETTER

17. (U) EMBASSY APPRECIATES HAVING RECEIVED THE JUSTICE DEPARTMENT'S LETTER TO THE FORMER DAEWOOSA EMPLOYEES. WE FAXED IN APRIL 19 TO THE AMERICAS DEPARTMENT AT THE MFA AND THE INTERNATIONAL RELATIONS DEPARTMENT AT MOLISA. WE ARE SURE THAT THESE AGENCIES WILL APPRECIATE ANY ADDITIONAL INFORMATION WASHINGTON AGENCIES CAN PROVIDE REGARDING THE WORKERS AND THEIR SITUATION IN THE U.S.

ASSISTANCE FOR WORKERS WHO RETURNED

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18. (U) EMBOFFS TOOK THIS OPPORTUNITY TO INQUIRE ABOUT THOSE DAEWOOSA EMPLOYEES THAT HAD ALREADY RETURNED TO VIETNAM. HANG SAID THAT MOLISA WAS WORKING WITH THE VIETNAMESE EMBASSY IN SEOUL TO EXPLORE MEANS OF SECURING PAYMENT OF BACK WAGES FROM DAEWOOSA'S SOUTH KOREAN-BASED PARENT COMPANY.

18. (U) IN ADDITION, VARIOUS FEES AND PENALTIES FOR WHICH THE WORKERS' WERE POTENTIALLY LIABLE WERE BEING WAIVED AND/OR REPAID. THESE INCLUDED JOB PLACEMENT FEES, DEPOSITS AND CONTRACT PERFORMANCE PENALTIES. MOST OF THE WORKERS' HAD BEEN PAYING THE JOB PLACEMENT FEES IN INSTALLMENTS, BUT A FEW PAID SOME OR ALL OF IT IN ADVANCE. THESE PAYMENTS ARE TO BE SUSPENDED AND/OR REFUNDED, IF PAID IN ADVANCE, FOR THOSE PERIODS FOR WHICH THE WORKERS RECEIVED NO PAY THROUGHOUT THE TERM OF THE CONTRACT. (COMMENT: THIS MIGHT MEAN THAT WORKERS WHO RECEIVE BACK WAGE PAYMENTS IN THE FUTURE WILL BE OBLIGATED TO PAY THE INSTALLMENT FOR THE PERIOD FOR WHICH THEY ARE BEING PAID. END COMMENT.)

19. (U) SECOND, MANY WORKERS PAID A DEPOSIT WHICH WAS INTENDED TO GO TOWARDS PAYING A \$5000 PENALTY IF THEY FAILED TO HONOR THE CONTRACT. IN THIS CASE, THE DEPOSITS ARE BEING PAID BACK, AND THE WORKERS WILL NOT BE SUBJECT TO THE \$5000 PENALTY. EMBOFFS ASKED WHETHER THIS ALSO APPLIED TO THE WORKERS THAT HAD RETURNED IN 1999 AND 2000, MANY OF WHOM WERE ALLEGEDLY FORCIBLY RETURNED TO VIETNAM AFTER THEY WENT ON STRIKE OR TOOK OTHER ACTIONS TO TRY TO IMPROVE THEIR SITUATION AT DAEWOOSA. HERE TOO, THE WORKERS WILL NOT BE REQUIRED TO PAY THE CONTRACT PERFORMANCE PENALTIES. HANG TOLD US THAT ONE OF THE LABOR EXPORT COMPANIES HAD TRIED TO UNCLASSIFIED

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GO TO COURT TO FORCE SOME OF THESE WORKERS TO PAY THE PENALTY, BUT THE COURT REFUSED TO HEAR THE CASE SAYING THAT THE WORKERS FAILED TO COMPLETE THEIR CONTRACTS FOR REASONS BEYOND THEIR CONTROL AND THEREFORE HAD NO LIABILITY.

COMMENT

11. (SBU) COMMENT: JUDGING FROM HANG'S QUIETLY POSITIVE REACTION TO OUR DISCUSSION, WASHINGTON AGENCIES' DECISION TO SHARE INFORMATION WITH THE GVN AND TO FACILITATE COMMUNICATION BETWEEN THOSE WORKERS WHO SO DESIRED AND THEIR GOVERNMENT REPRESENTATIVES AND FAMILIES HAS HELPED EASE SOME TENSION. AT LEAST WITHIN MOLISA, A CERTAIN REALISM IS SHAPING OFFICIALS' OPINIONS. THEY SEEM GENUINELY PLEASED THAT ALLEGED WRONG-DOINGS IN THE CASE ARE BEING ADDRESSED AND ARE SUPPORTIVE OF THAT EFFORT. THEY ALSO SEEM TO HAVE ACCEPTED THAT SOME WORKERS MAY WELL REMAIN IN THE UNITED STATES ONCE THE COURT CASE HAS BEEN COMPLETED. ON THE OTHER

HAND, MOLISA MAY AT SOME POINT JOIN THE MFA WHICH IS LIKELY TO CONTINUE TO PRESS FOR INFORMATION ABOUT THE WORKERS, ACCESS TO THE WORKERS AND A NEGOTIATED AGREEMENT ON REPATRIATION OF THE WORKERS. BUT FOR NOW, A CONTINUED SUPPLY OF INFORMATION WILL HELP THEM MOST WITH THEIR PRIORITY TASKS WHICH ARE TO PROVIDE INFORMATION TO THE WORKERS' FAMILIES HERE IN VIETNAM AND TO DEVELOP WAYS TO AVOID SUCH INCIDENTS AGAIN IN THE FUTURE.
PETERSON

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